

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
THE CITY OF NEW YORK,

Plaintiff,

v.

DONALD TRUMP, in his official capacity as
President of the United States; *et al.*,

Defendants.

----- X

DECLARATION OF JOSHUA P. RUBIN

Pursuant to 28 U.S.C. § 1746(2), I, Joshua P. Rubin, hereby declare as follows:

1. I am over the age of eighteen and have personal knowledge of all the facts stated herein, including knowledge based on the books and records of my office referenced herein.

2. I am an Assistant Corporation Counsel in the Office of Muriel Goode-Trufant, Corporation Counsel of the City of New York. I am admitted to practice in the courts of the State of New York.

3. This case concerns three federal grants awarded to the City of New York (the “City”) by the Federal Emergency Management Agency (“FEMA”) under the Shelter and Service Programs (“SSP”).

4. Facts concerning FEMA’s award of these grants to the City for fiscal years 2023 and 2024; the City’s requests for reimbursement under the grants; FEMA’s review and approval of reimbursement to the City for allowable costs; FEMA’s payment of the approved reimbursements; FEMA’s reversal of an ACS wire transfer taking back from the City two

payments made following approval and payment under two of these grants, the SSP grants, the SSP-A and SSP-C grants for fiscal year 2024; and related matters are set forth in the accompanying Declaration of Jacques Jiha, Director of the New York City Mayor's Office of Management and Budget and exhibits annexed thereto.

5. I make this declaration to set forth additional public information of Defendants' public statements concerning matters related to this litigation.

A. Public Statements

6. On Monday, February 10, 2025 at 5:03 am, Elon Musk posted the following message:



Subscribe



The @DOGE team just discovered that FEMA sent \$59M LAST WEEK to luxury hotels in New York City to house illegal migrants.

Sending this money violated the law and is in gross insubordination to the President's executive order.

That money is meant for American disaster relief and instead is being spent on high end hotels for illegals!

A clawback demand will be made today to recoup those funds.

5:03 AM · Feb 10, 2025 · **66.2M** Views



<https://x.com/elonmusk/status/1888891512303263815> (screenshot taken Feb. 18, 2025).

7. Two hours later, FEMA Acting Administrator Cameron Hamilton reposted the

Elon Musk post above and added as follows:



Cameron Hamilton ✓

@FEMA_Cam



...

I want to thank the @DOGE team for making me aware of this. Effective yesterday these payments have all been suspended from FEMA. Personnel will be held accountable.

@elonmusk



Elon Musk ✓ @elonmusk · Feb 10

The @DOGE team just discovered that FEMA sent \$59M LAST WEEK to luxury hotels in New York City to house illegal migrants.

Sending this money violated the law and is in gross insubordination to the President's executive order. ...

[Show more](#)

7:01 AM · Feb 10, 2025 · **547.4K** Views



997



3.1K



10K



305



https://x.com/FEMA_Cam/status/1888921176199635266 (screenshot taken Feb. 18, 2025).

8. Administrator Hamilton followed up with another post 10 minutes later as follows:



Cameron Hamilton ✓ @FEMA_Cam · Feb 10



I want to thank the @DOGE team for making me aware of this. Effective yesterday these payments have all been suspended from FEMA. Personnel will be held accountable.

@elonmusk



Elon Musk ✓ [X] @elonmusk · Feb 10

The @DOGE team just discovered that FEMA sent \$59M LAST WEEK to luxury hotels in New York City to house illegal migrants.

Sending this money violated the law and is in gross insubordination to the President's executive order. ...

[Show more](#)

997

3.1K

10K

547K



Cameron Hamilton ✓

@FEMA_Cam



@USCongress should have never passed bills in 2023 and 2024 asking FEMA to do this work. This stops now.

7:11 AM · Feb 10, 2025 · 78K Views

217

645

4K

60



https://x.com/FEMA_Cam/status/1888923672523489649 (screenshot taken Feb. 18, 2025).

9. On Tuesday February 11, 2025, DHS issued a statement announcing that it had fired four FEMA employees, including the chief financial officer:

Statement from a DHS Spokesperson on Termination of 4 FEMA Employees Who Made Payments to Luxury Hotels for Migrants

Release Date: February 11, 2025

WASHINGTON--Effective immediately, FEMA is terminating the employment of four individuals for circumventing leadership to unilaterally make egregious payments for luxury NYC hotels for migrants. Firings include FEMA's Chief Financial Officer, two program analysts and a grant specialist.

Under President Trump and Secretary Noem's leadership, DHS will not sit idly and allow deep state activists to undermine the will and safety of the American people.

Topics

[HOMELAND SECURITY ENTERPRISE](#)

Keywords

[FEDERAL EMERGENCY MANAGEMENT AGENCY \(FEMA\)](#) [PRESIDENT TRUMP](#) [SECRETARY KRISTI NOEM](#)

Last Updated: 02/11/2025

<https://www.dhs.gov/news/2025/02/11/statement-dhs-spokesperson-termination-4-fema-employees-who-made-payments-luxury> (screenshot taken Feb. 21, 2025).

B. Court Proceedings in *New York v. Trump*, No. 1:25-cv-00039 (D.R.I. filed Jan. 28, 2025)

10. On January 31, 2025, Judge McConnell of the United States District Court for the District of Rhode Island entered a temporary restraining order against the federal government. Temporary Restraining Order, *New York v. Trump*, No. 1:25-cv-00039 (D.R.I. Jan. 31, 2025), ECF No. 50 (the "TRO"), attached hereto as **Exhibit A**.

11. Subsequently, the Plaintiff States in that case filed a Motion for Enforcement of the Temporary Restraining Order, which the Court granted on February 10, 2025. *See Order, New*

York v. Trump, No. 1:25-cv-00039 (D.R.I. Feb. 10, 2025), ECF No. 96, attached hereto as

Exhibit B.

12. On February 11, 2025 around 7 p.m., defendants filed an emergency motion in *New York v. Trump* seeking “Permission to Continue Withholding FEMA and Other Funding.” Defs.’ Emergency Motion, *New York v. Trump*, No. 1:25-cv-00039 (D.R.I. Feb. 11, 2025), ECF No. 102, attached hereto as **Exhibit C.**

13. The Emergency Motion was filed with a declaration from FEMA Senior Official Performing the Duties of the Administrator Cameron Hamilton. *See* Declaration of Cameron Hamilton, *New York v. Trump*, No. 1:25-cv-00039 (D.R.I. Feb. 11, 2025), ECF No. 102-1 (“Hamilton Declaration”), attached hereto as **Exhibit D.**

14. The Hamilton Declaration attached, as an exhibit, a January 28, 2025 memorandum from DHS Secretary Kristi Noem. *See* Kristi Noem, Mem. for Component and Office Heads (Jan. 28, 2025), *New York v. Trump*, No. 1:25-cv-00039 (D.R.I. Feb. 11, 2025), ECF No. 102-2, attached hereto as **Exhibit E.**

15. The Court denied the emergency motion on the morning of February 12, 2025. *See* Order, *New York v. Trump*, No. 1:25-cv-00039 (D.R.I. Feb. 12, 2025), ECF No. 107, attached hereto as **Exhibit F.**

C. Further Public Statements

16. Later on February 12, 2025, at 1:37 pm, defendant DHS Secretary Kristi Noem posted as follows:



Kristi Noem ✓
@KristiNoem



I have clawed back the full payment that FEMA deep state activists unilaterally gave to NYC migrant hotels.

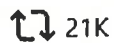
FEMA was funding the Roosevelt Hotel that serves as a Tren de Aragua base of operations and was used to house Laken Riley's killer.

Mark my words: there will not be a single penny spent that goes against the interest and safety of the American people.

1:37 PM · Feb 12, 2025 · **1.4M** Views



5.9K



21K



130K



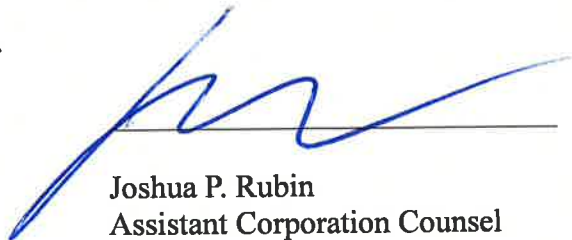
1.3K



<https://x.com/KristiNoem/status/1889745752924074088> (screenshot taken Feb. 18, 2025).

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on this 21st day of February 2025.



Joshua P. Rubin
Assistant Corporation Counsel